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Intellectual Property Department
Goodwin/Procter LLP
901 New York Avenue, NW
Washington, DC 20001

EXAMINER

KAZIMI, HANI M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on February 08, 2008. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson (US 5,699,527) in view of Norris (US 5,870,721).

Claims 1-6, 14-19, Davidson teaches a system and corresponding method for producing and sending a loan document to a customer, the system comprising, a web-enabled customer interface which receives loan information from the customer (col. 5, lines 2-12), a network coupled to the customer interface, the network receives the loan information from the customer interface (col. 5, lines 23-39), a web site coupled to the network, the web site receives the loan information and merges the loan information with a loan application form to produce a loan application (col. 6, lines 20-39), a loan processor coupled to the web site, the loan processor receives the loan application, performs a credit check on the customer based on the loan application (col. 4, lines 33-38; col. 5, lines 37-39); and a document server coupled to the loan processor, the document server generates and sends the loan document to the customer, based on the loan application, when the loan processor determines that the customer should receive the loan, the loan processor sends the loan document to the customer through one of e-mail, facsimile, the network, a first printer coupled to the network, and a second printer coupled to another network (col. 7, lines 6-11)

Davidson does not explicitly teach that the loan processor determines whether the customer should receive a loan based on the credit check. Norris teaches a loan approval determination based on credit check; and generating and sending loan agreement and related documentation to the customer via facsimile (abstract, col. 2, lines 13-15 and 35-39). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davidson to include these features as taught by

Norris for the obvious reason of ensuring that the applicant is credit worthy and for speedy transmittal of all related and necessary documents between the lender and customer.

Claims 7-13 and 20; Davidson and Norris teach all the claimed limitations as discussed above with respect to claims 1-6 and 14-19. Davidson and Norris do not explicitly teach that cashing a check indicates acceptance by the customer of the terms listed in the loan document, checking the validity of the check and verifying the customer account by sending a test transaction.

Official notice is hereby taken that the steps of cashing a check to indicate acceptance by the customer of the terms listed in the loan document, checking the validity of the check and verifying the customer account by sending a test transaction are old and well known.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Davidson to include these features. One would have been motivated to do so in order to allow the customer to accept the loan by cashing the check. Verifying the customer account allows the lender to ensure that the account to which money is deposited actually belongs to the customer, thereby preventing fraud or error.

Response to Arguments

3. Applicant's arguments filed 2/8/2008 have been fully considered but they are not persuasive.

Applicant argues that Davidson fails to teach a website, hosted by a system (items (1) and (2) from applicant's remarks). Examiner respectfully disagrees. Davidson explicitly teaches that the applicant's computer may be directly connected to the lending institution via a modem (col. 5, lines 24-26; col. 6, lines 6-8, fig. 3D RN {31} "*Personal data and signature data is collected (if possible) and saved into the bank computer*"). Furthermore, Davidson teaches "remote site" having a mechanism for facilitating electronic communication with a processing device at the lending institution (col. 11, lines 13-19).

Regarding item (4), Applicant argues that Davidson fails to disclose that the system generates loan documents and sends them to the customer. Examiner respectfully disagrees. Davidson teaches that all the documents required to formalize the loan is printed and reviewed by parties and signed and dated (col. 7, lines 6-11).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is to ensure that the applicant is credit worthy and for speedy transmittal of all related and necessary documents between the lender and customer

Conclusion

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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/Hani M. Kazimi/

Primary Examiner, Art Unit 3691